

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|----------------------------|---|---------------------------|
| MCKESSON AUTOMATION, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 06-028 (SLR-LPS) |
| |) | |
| SWISSLOG ITALIA S.P.A. and |) | PUBLIC VERSION |
| TRANSLOGIC CORPORATION, |) | |
| |) | |
| Defendants. |) | |

**REPLY DECLARATION OF BRYAN N. DEMATTEO
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS MCKESSON'S WILLFULNESS ALLEGATIONS**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
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*Attorneys for Defendants Swisslog Italia,
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OF COUNSEL:

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,

Plaintiff,

V.

SWISSLOG ITALIA S.P.A. and
TRANSLOGIC CORPORATION,

Defendants.

C.A. No. 06-028 (SLR-LPS)

**CONFIDENTIAL
FILED UNDER SEAL**

**REPLY DECLARATION OF BRYAN N. DEMATTEO
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS MCKESSON'S WILLFULNESS ALLEGATIONS**

I, Bryan N. DeMatteo, declare as follows:

1. I am associated with the law firm Dickstein Shapiro LLP, counsel of record for Defendants Swisslog Italia S.p.A and Translogic Corporation (collectively “Defendants”). I make this reply declaration in support of Defendants’ Swisslog Italia’s (“Swisslog”) and Translogic Corporation’s (“Translogic”) Motion To Dismiss McKesson’s Willfulness Allegations.

2. Attached as Exhibit G is a true and correct copy of a letter dated September 7, 2006, from Defendants to opposing counsel.

3. Attached as Exhibit H is a true and correct copy of Kegley Exhibit 33, a letter dated December 16, 2005 from Lisa W. Greene to Remo Brunschwiler.

4. Attached as Exhibit I is a true and correct copy of excerpts from the deposition transcript of Maurizio Davolio, dated May 23, 2007.

5. Attached as Exhibit J is a true and correct copy of excerpts from the deposition transcripts of Charles Kegley, dated July 26, 2007 and July 27, 2007.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief. This declaration is executed this 29th day of April, 2008.

/s/ Bryan N. DeMatteo

Bryan N. DeMatteo

2309547

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on May 20, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Dale R. Dubé, Esquire
Blank Rome LLP

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on May 20, 2008 upon the following individuals in the manner indicated

BY E-MAIL

Dale R. Dubé, Esquire
Blank Rome LLP
Chase Manhattan Centre
1201 Market Street, Suite 800
Wilmington, DE 19801

Blair M. Jacobs, Esquire
Sutherland Asbill & Brennan LLP
1275 Pennsylvania Avenue, NW
Washington, DC 20004

/s/ Julia Heaney

Julia Heaney (#3052)
jheaney@mnat.com

EXHIBIT G

DICKSTEINSHAPIRO_{LLP}

1177 Avenue of the Americas | New York, NY 10036-2714
TEL (212) 277-6500 | FAX (212) 277-6501 | dicksteinshapiro.com

September 7, 2006

Via Federal Express

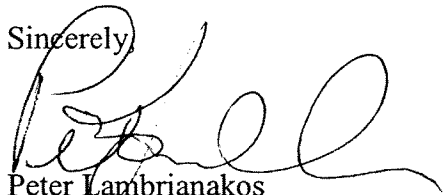
Christina A. Ondrick, Esq.
Sutherland Asbill & Brennan LLP
1275 Pennsylvania Avenue, NW
Washington, DC 20004-2415

Re: *McKesson Automation Inc. v. Translogic Corp., et al.*

Dear Christina:

Enclosed please find a CD containing the first set of documents produced by Translogic Corp. in response to plaintiff's document requests to Translogic. The documents are bates numbered T000001 through T005387. The CD also contains a Concordance load file and an Opticon load file.

Please contact me if you have any questions regarding this production.

Sincerely,


Peter Lambrianakos
(212) 277-6659
lambrianakosp@dicksteinshapiro.com

Enclosure

EXHIBIT H

McKesson Information Solutions
5995 Windward Parkway
Alpharetta, GA 30005
404.338.6000 Tel
404.338.6101 Fax

McKESSON
Empowering Healthcare

December 16, 2005

Via Federal Express and Facsimile (41.62.837.9556)

Remo Brunschwiler, CEO
Swisslog Management AG
Webereiweg 3
CH-5033 Buchs
Switzerland

Re: U.S. Patent Nos. 5,468,110 and 5,593,267

Dear Mr. Brunschwiler:

I am counsel for McKesson Automation Inc. ("McKesson") in connection with intellectual property matters. McKesson is the owner of the following two patents: (1) U.S. Patent No. 5,468,110 entitled "Automated system for selecting packages from a storage area," which was issued on November 21, 1995 (the "110 patent") and (2) U.S. Patent No. 5,593,267 entitled "Automated system for selecting and delivering packages from a storage area," which was issued on January 14, 1997 (the "267 patent").

We ask that you review the '110 and '267 patents to determine whether any of Swisslog's products may be covered by the scope of the claims of either patent. If you determine that you are selling or plan to sell a product that may fall within the scope of the claims of one or both of the patents, we request that you immediately cease and desist from making, using or offering for sale such product.

Please provide us with your written response no later than Tuesday, January 3, 2006. We hope that we can resolve this matter amicably. All correspondence concerning this matter should be addressed to the undersigned.

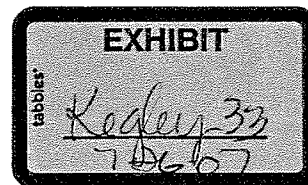
Thank you for your prompt attention to this matter.

Best regards,

Lisa W. Greene

Lisa W. Greene

cc: Charlie Kegley



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EXHIBIT I

FULLY REDACTED

EXHIBIT J

FULLY REDACTED